

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

EMMETT W. CALDWELL,                     )  
  )  
                          Plaintiff, pro se,    )  
  )  
                  v.                                )  
  )  
DURHAM AREA TRANSIT                    )  
AUTHORITY (DATA),                        )  
  )  
  )  
                          Defendant.         )

**ORDER**

1:09CV628

On August 21, 2009, United States Magistrate Judge Trevor Sharp filed a Recommended Ruling in this case [Doc. # 3]. Judge Sharp recommended that Plaintiff's Motion to Proceed *in forma pauperis* under 28 U.S.C. § 1915(e)(2)(B) [Doc. # 1] be granted and that Plaintiff's Complaint [Doc. # 2] be dismissed with prejudice. Because there were no objections to the Recommendation, review is only for clear error. 28 U.S.C. § 636(b). Finding no error, the Court adopts in full the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Plaintiff's motion to proceed *in forma pauperis* is GRANTED and that Plaintiff's Complaint is DISMISSED WITH PREJUDICE. A judgment dismissing this action will be entered

contemporaneously with this Order.

This the 13<sup>th</sup> day of April, 2011.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge